

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION**

WILDCAT MFG. CO. INCORPORATED
a Delaware Corporation

Civ. 07-4131

Plaintiff,

**STIPULATION AND PROPOSED
ORDER FOR DISMISSAL**

v.

DIESEL MACHINERY, INC.
a South Dakota Corporation


Defendants.

IT IS hereby stipulated and agreed between Plaintiff, Wildcat Mfg. Co. Incorporated. ("Wildcat"), by its attorneys, Hagen, Wilka & Archer, LLP, and Quarles & Brady, LLP, and Defendant, Diesel Machinery, Inc. ("DMI"), by its attorneys, The Healy Law Firm, L.L.C., that:

1. This action shall be dismissed on the merits with prejudice;
2. Wildcat will reimburse DMI for the full amount of DMI's court reporter costs and filing fees. However, in no event shall Wildcat reimburse DMI for a sum greater than \$700.

Dated this 24th day of July, 2009.

Thomas K. Wilka

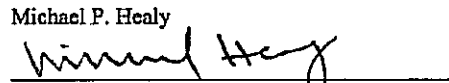

Hagen, Wilka & Archer
P.O. Box 964
Sioux Falls, SD 57101
(605) 334-0005

Daniel M. Janssen
Quarles & Brady LLP
411 East Wisconsin Avenue, Suite 2040
Milwaukee, WI 53202-4497
(414) 277-5000

Attorneys for Plaintiff,
Wildcat Mfg. Co. Incorporated

Dated this 23 day of July, 2009.

Michael P. Healy


The Healy Law Firm, L.L.C.
1100 Main Street
2600 City Center Square
Kansas City, MO 64105
(816) 472-8800

Attorneys for Defendant,
Diesel Machinery, Inc.

IT IS ORDERED that:

1. The above-captioned case is hereby dismissed on the merits with prejudice;
2. Wildcat will reimburse DMI for the full amount of DMI's court reporter costs and filing fees. However, in no event shall Wildcat reimburse DMI for a sum greater than \$700.

Dated this _____ day of July, 2009.

BY THE COURT:

The Honorable Lawrence L. Piersol